

## **AGENDA**

### **HAYES TOWNSHIP BOARD OF TRUSTEES**

**7:00p.m.      April 11, 2022**

**Hayes Township Hall**

**9195 Major Douglas Sloan, Charlevoix, MI 49720**

**Join Zoom Meeting**

**<https://us02web.zoom.us/j/86768376262?pwd=UnBXVjNiUXpDM0U5Y3NJOEtUa1BsQT09>**

**Meeting ID: 867 6837 6262 , Passcode: 099580, +1 929 205 6099 US**

1. Call to Order
2. Pledge of Allegiance
3. Review and Approval of Agenda
4. Public Comments
5. Approval of Regular Meeting Minutes of March 15<sup>th</sup>, 2022
6. Treasurers Report
7. Clerks Report: Approval of Warrants
8. Reports: County Commissioner, Zoning Administrator, Planning Commission, Zoning Board of Appeals, Parks and Recreation, Trustee's, and Supervisor Reports.

### **NEW BUSINESS**

9. MTA Electronic Meetings
10. Spring Clean Up Contract
11. Bayshore Road Engineers Estimate
12. Planning Commission Appointments

### **ADJOURN MEETING**

Welcome to Hayes Township Board of Trustees Meeting. We are glad you could join us as we discuss the future of our Township as well as attend to the day to day obligations.

1. The agenda is typically prepared in advance of the meeting so that the board and the public have an opportunity to prepare for our meeting. There may other issues that arise between when it is prepared and meeting time, we may make amendments or adopt as presented.
2. Public Comment is a time when the public may speak on any subject concerning the township.
3. The first real order of business prior to beginning new business is to approve the minutes of the previous meeting. This allows the board to correct any errors and provide an accurate record of that meeting.
4. Approval of warrants: The Board of Trustees is responsible as a whole to ensure that your tax dollars are spent wisely and that expenditures are accurate and properly accounted for. Each member of the board is equally responsible. The Clerk or Deputy Clerk prepare and sign checks for invoices submitted. The Treasurer reviews all invoices against the checks to again check for accuracy. After the warrants are approved by the board, the Treasurer signs and disburses the checks to each vendor.

The next few items on the agenda are the reports from different aspects of the Township and the County. By hearing those reports ahead of new business, it allows the board to have a better understanding of the township as a whole preparing them for better decisions.

To best facilitate a hybrid meeting (in person as well as ZOOM) for the public, please adhere to the following guidelines:

#### In person attendance

1. Doors to the hall will open at 6:45 pm
2. Please voluntarily provide a name for the record
3. Please hold all comments until the appropriate designated public comment agenda item
4. To maintain an orderly meeting while providing opportunity for the public to be heard, Planning Commission Chairman will call names in appropriate order
5. We ask that you voluntarily state your name for the record
6. Direct all comments to the planning commission
7. Keep comments brief and to the point (3 minutes per person); deputy clerk will advise when time is up
8. Do not speak while others are speaking
9. Minutes may not be yielded to other speakers.

#### Via ZOOM attendance

1. Upon signing into the meeting, please voluntarily provide a name for the record
2. All ZOOM participants will be admitted from the waiting room prior to the start of the meeting
3. All ZOOM participants will remain muted until called on during the appropriate designated public comment agenda item
4. Please raise your hand to be called on during public comments
5. Direct all comments to the planning commission
6. Keep comments brief and to the point (3 minutes per person); participant will be muted at 3 minutes
7. Minutes may not be yielded to other speakers.

Hayes Township, Charlevoix County  
Board of Trustees  
March 15, 2022 7:00 pm  
Hayes Township Hall  
09195 Major Douglas Sloan Road  
Charlevoix, Michigan 49720  
ZOOM Meeting ID: 878 1510 5199

The March 15th, 2022 meeting of the Hayes Township Board was called to order by Supervisor Ron VanZee at 7:00 pm.

Board members present were: Matt Cunningham (Trustee), Doug Kuebler (Trustee), Kristin Baranski (Clerk), April Hilton (Deputy Clerk/Recording Secretary), Ron VanZee (Supervisor)  
Excused: Julie Collard (Treasurer)  
Audience Members signed in: Luanne Kozma, Ellis Boal, Bob Adams, Bud Pope, Paul Hoadley, Bob Jess, Betty Henne, Tim Boyko, Rod Slocum, and Doug McCombs.

**CALL TO ORDER**

Supervisor Ron VanZee called the meeting to order at 7:00 pm.

**PLEDGE OF ALLEGIANCE**

**REVIEWED & APPROVED AGENDA**

Ms. Baranski made a motion, supported by Mr. Kuebler, to approve the agenda as amended.  
Yays: Matt Cunningham, Doug Kuebler, Kristin Baranski, Ron VanZee  
Excused: Julie Collard  
Nays: None                      Motion Carried

**PUBLIC COMMENTS UNRELATED TO AGENDA ITEMS**

Public comment opened and closed at 7:01.

Comments included:

- Ellis Boal made a statement that he does not see the point in standing for the Pledge of Allegiance of the United States. Also requested the Township to reopen office hours to the public without appointments needed.
- A statement reading from the Zoning Ordinance section 8.01 that states the Board Of Trustee's appoint members to the ZBA. Also, an opinion stated that the board should consider removing Roy Griffiths from the Planning Commission and Zoning Board of Appeals.

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- County Commissioner, Robert Jess wanted to thank the township for their involvement in the Pool Authority and their effort to stand up for the residents of Hayes Township.

Closed at 7:09

Board of Trustees Comment:

- Clerk stated the documents copied from the Township By-laws record are not signed and there is no record of being adopted.
- Supervisor clarified the representatives on the Board of Trustees from Planning Commission and ZBA have been selected by the respective board for the last 35 years.

**APPROVAL OF FEBRUARY 14<sup>TH</sup>, 2022 BOT MINUTES**

Mr. Kuebler made a motion, supported by Mr. Cunningham to approve the February 14<sup>th</sup>, 2022 Board of Trustees minutes as presented.

Yeas: Matt Cunningham, Ron VanZee, Kristin Baranski, Doug Kuebler

Excused: Julie Collard

Nays: None                      **Motion Carried**

**TREASURERS REPORT**

Ms. Collard presented a written report reporting all Hayes Township account balances. Treasurer report is available at Hayes Township Hall.

**CLERKS REPORT: APPROVAL OF WARRANTS**

Clerk, Ms. Baranski, presented the warrants in the amount of \$26,462.45.

Mr. Kuebler made a motion, supported by Ms. Baranski, to approve Township warrants in the amount of \$26,462.45. A roll call was taken.

Yeas: Matt Cunningham, Ron VanZee, Kristin Baranski, Doug Kuebler

Excused: Julie Collard

Nays: None                      **Motion Carried**

**COUNTY COMMISSIONER REPORT**

Mr. Jess presented the county commissioner report.

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**PARKS AND REC. REPORT**

Ms. Collard presented the Parks and Rec. Report, full report is available at the Township Hall.

**PLANNING COMMISSION**

Mr. Cunningham presented the Planning Commission Report. The next Planning Commission meeting is April 19<sup>th</sup>, 2022.

**ZONING BOARD OF APPEALS**

Zoning board of appeals did not meet.

**ZONING ADMINISTRATOR REPORT**

Ron VanZee presented a Zoning Administrator report. Full report is available at the Township Hall.

**SUPERVISOR REPORT:** Ron VanZee presented a supervisor report.

**ZONING BOARD OF APPEALS UPDATE AND CORRESPONDENCE:**

Ms. Baranski made a motion, supported by Mr. Kuebler to appoint Janice Whipple as an alternate on the ZBA to a 3-year term expiring 3/15/2025.

Yeas: Matt Cunningham, Ron VanZee, Kristin Baranski, Doug Kuebler

Excused: Julie Collard

Nays: None                      **Motion Carried**

Supervisor VanZee asked the board if the written charges warranted a public hearing. Board of Trustee’s Review the Written charges with no motion to proceed.

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**CHARLEVOIX COUNTY MILLAGE GRANT RESOLUTION:**

**Application Resolution  
Resolution NO.03142022**

**WHEREAS**, Julie Collard, Treasurer and of Hayes Township has the authority to construct, operate, and maintain the Hayes Township Bayside Park walkway access to Lake Michigan; and **WHEREAS**, Julie Collard is requesting a \$9,500 appropriation from the Charlevoix County Board of Commissioners; and

**WHEREAS**, Julie Collard desires to enhance, provide, or create the Hayes Township Bayside Park walkway access to Lake Michigan to meet the needs of users in Charlevoix County;

**THEREFORE BE IT RESOLVED** by Hayes Township that, pursuant and subject to all of the terms and provisions of the Charlevoix County Parks millage, application to be made to the Charlevoix County Board of Commissioners for funding; and

**BE IT FURTHER RESOLVED** that Julie Collard of Hayes Township is hereby authorized and directed to cause the necessary data to be prepared and and application to be signed and filled with the County of Charlevoix; Mr. Kuebler made a motion, supported by Mr. Cunningham, to adopt Resolution NO. 03142022.

Yeas: Matt Cunningham, Ron VanZee, Kristin Baranski, Doug Kuebler

Excused: Julie Collard

Nays: None **Motion Carried**

**LAKE CHARLEVOIX EMS ARPA FUNDS:**

Ms. Baranski made a motion, supported by Mr. Kuebler, to approve the invoice from Ironwood Construction Company in the amount of \$9100.30; paid out of the ARPA fund and reimbursement from Lake Charlevoix upon approval of the loan.

Yeas: Matt Cunningham, Ron VanZee, Kristin Baranski, Doug Kuebler

Excused: Julie Collard

Nays: None **Motion Carried**

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130 **MAY 3<sup>RD</sup> ELECTION WORKERS:**

131 Mr. Kuebler made a motion, supported by Ms. Baranski, to approve the election workers for  
132 the May 3<sup>rd</sup>, 2022, election.

133 Yeas: Matt Cunningham, Ron VanZee, Kristin Baranski, Doug Kuebler

134 Excused: Julie Collard

135 Nays: None **Motion Carried**

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137 **PUBLIC COMMENTS:** Public comments opened at 7:46 pm.

138 Comments included:

- 139 • Disappointment in the board's decision to not hold a Public Hearing on the written  
140 charges against four ZBA members.
- 141 • Disappointment the correspondences were read at the last public comment;  
142 Supervisor responded, each board member had the correspondence to read through  
143 before making decisions on agenda items.
- 144 • Correspondences read into record at meeting attached to minutes

145 Public comments closed at 7:56 p.m.

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147 **ADJOURNMENT:** Mr. Kuebler made a motion, supported by Mr. Cunningham, to adjourn at  
148 7:56 p.m.

149 Yeas: Matt Cunningham, Ron VanZee, Kristin Baranski, Doug Kuebler

150 Excused: Julie Collard

151 Nays: None **Motion Carried**

152

153 Respectfully Submitted,

154 April Hilton

155 Hayes Township Deputy Clerk/Recording Secretary

## **March 2022 Treasurer Report**

(As of March 5, 2022)

### **Charlevoix State Bank**

1. General Fund-\$533,360.00  
(\$323,360.00 available, \$210,000 Restricted Reserve)
2. Tax Account-\$46,936.64 (restricted Treasury Funds)
3. Township Warrant Checking-\$41,026.24
4. Pantry-\$2,138.94
4. ARPA (restricted funds)-\$91,651.64

### **Forefront**

4. Metro Account Revenue Sharing-\$58,585.76
5. Prime Share Account-\$134.51

### **Horizon Bank**

6. Road Fund (RESTRICTED FUNDS)-\$464,322.47





## Township Meeting Options under the Open Meetings Act as of January 1, 2022

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Beginning January 1, 2022, a **member of a public body** can participate electronically in a meeting **ONLY** if that member is absent due to military duty.

This is because the **participation of a member of a public body** (township board, planning commission, zoning board of appeals, board of review, election commission, etc.) is governed by the Open Meetings Act, which requires all members of a public body to be physically present at a meeting to be able to count toward a quorum, participate in discussion, “deliberate” or vote, unless they fall under the military duty exception. A previous, temporary exception allowing remote meetings or participation by members of a public body, due to the COVID-19 pandemic, has expired and is no longer lawful.

### **Meetings of a Public Body Must be Held in Person Now:**

- All meetings of a township public body must be held physically, in person.
- If a township public body wants to ALSO provide public electronic access to some or all of its meetings, it may do so.
- A township public body must provide electronic access for a member of that public body to a meeting that is otherwise held in person **if that member is absent due to participation in the military**.

### **Member of a Public Body at a Meeting of that Public Body:**

- The only way a **member of a public body** can participate (speak at all) in a meeting by electronic means is if that member of the public body is absent from the physical meeting **due to their participation in the military**. There are **NO other options for a member of a public body to participate in (speak at) a meeting by electronic means**.
- **All public bodies** must “establish the following procedures to accommodate the absence of **any member of the public body due to military duty** [as the statute must be read now, this is the only option]:
  - Procedures by which the absent member may participate in, and vote on, business before the public body, including, but not limited to, procedures that provide for both of the following:
    - Two-way communication.
    - For each member of the public body attending the meeting remotely, a public announcement at the outset of the meeting by that member, to be included in the meeting minutes, that the member is in fact attending the meeting remotely. [A

*member participating remotely due to military duty is NOT required to further identify specifically the member's physical location by stating the county, city, township, or village and state from which he or she is attending the meeting remotely.]*

- Procedures by which the public is provided notice of the absence of the member and information about how to contact that member sufficiently in advance of a meeting of the public body to provide input on any business that will come before the public body. (MCL 15.263)
- Because MCL 15.263 has required all public bodies to establish procedures to accommodate a member who is absent due to military duty, there would be no reason to deny access to a member who is absent due to military duty. Even though the statute does not specifically say such a member must be accommodated, we believe that is the Legislature's intent.
- Prior to COVID, and now, we do believe that a **member of a public body** who is **present at a physical, in-person meeting** of that public body, may leave the head table and go into the audience to **speak during public comment** (which is a political free speech opportunity), even on board business. Although not typical, because board members should be recognized to speak at appropriate points in the meeting agenda, occasionally a board member may wish to take this approach. But it does not change their ability to interact, because it is still lawfully "deliberating toward" board business with a quorum because they are still physically present in a meeting of their public body held in compliance with the OMA.
- **But if a member of a public body is NOT physically present and is NOT absent due to participation in the military**, then the provisions of the OMA that govern electronic access to meetings apply and that member **cannot participate in (speak at) the electronic meeting at all**. This is because the OMA prohibits any member of a public body from participating a meeting of their public body via electronic means if they are NOT absent due to military participation.

#### **Anyone Else Attending a Meeting of a Public Body:**

The OMA's provisions for and restrictions on electronic participation in a meeting of a public body affect the members of the public body. However, there is no limit in the OMA on providing **electronic public access to persons other than members of the public body**. This means that a public body could choose to provide electronic access to the **public**, and/or to **township staff or consultants or other participants**.

A public body is not required to provide electronic access to the public or others (township attorney, other consultants, staff) BUT a public body may decide to provide electronic access at different levels to the public and others who are not members of the public body. So, a public body could have the township attorney, or manager, or department head, recording secretary, etc., "Zoom in" to participate on the agenda.

The Open Meetings Act also provides that every meeting of public body must include one opportunity for **public comment**. And if a public body is holding a **public hearing**, the hearing must be conducted as an agenda item within a properly scheduled and noticed regular or special meeting of that public body.

The OMA does **not** limit the ability of **the public to participate electronically**, during a public comment period or on the record during a public hearing **IF** the public body chooses to provide electronic meeting access to the public AND the public body has authorized electronic participation for public comment and/or public hearing purposes.



MTA believes that **providing electronic meeting access to the public**, including participating in public comment or on the record in a public hearing, is one way to provide public access, input and transparency.

**Note that no law currently *requires* a township public body to provide electronic meeting access to the public.**

The public is not legally entitled to be able to access a meeting of a public body via electronic means. If a meeting of a public body is being held physically, without any electronic access, the public body is not required to provide electronic access because a member of the public has asked them to. Even if a township board, for example, is accommodating the absence of a member due to their participation in the military to enable them to “Zoom in” to a board meeting, that does not mean the board is required to allow anyone or everyone else to do so, but it is also not prohibited by the OMA’s restrictions on the members of the public body. Also note that there is no mandated level of quality or utility for “electronic” meeting access.

**But, if a public body does choose to provide electronic meeting access for the public, that may encourage the public to attend and participate electronically, reducing some health concerns from having a large gathering.**

Note that all participants must be able to hear and be heard by a member of the board absent due to military participation and any member of the public participating electronically, in both the in-person and the electronic meeting spaces, so some form of microphone and speaker system must be provided in the in-person meeting space.

**The OMA prohibits turning any person away from an in-person meeting**, including turning them away to require them to use electronic access (or for not wearing a mask), so even if a township does provide electronic access and/or participation to the public, it cannot turn anyone away from an in-person meeting unless that person is actually disrupting that meeting. But having electronic access and participation as an option might encourage more people to participate remotely.



GFL Environmental Inc  
280 Hughes Drive  
Traverse City, MI 49696



Joshua Tracey  
General Manager I

email: Joshua.Tracey@gflenv.com  
P: 231-932-6546 | C: 231-384-1012

February 1, 2022

Ms. Julie Collard - Treasurer  
Hayes Township  
09195 Old US 31 North  
Charlevoix, MI 49720

Dear Julie,

We are in the process of finalizing our cleanup dates for the upcoming 2022 season.

The scheduled date for Hayes Township curbside clean-up will be:

June 18, 2022 from 7.00 a.m. until 11.00 a.m

The billing rates for 2022 will be as follows:

MSW – (Trash) will be: \$71.00 per compacted yard.

Fuel Surcharge: A fuel surcharge will be assessed if the price of Diesel exceeds over \$ 3.50 per gallon as determined by the US Department of Energy Website Weekly Midwest (PADD 2) Diesel Prices.

Thank You for the opportunity in providing these services for you, as we are looking forward to the upcoming 2022 season.

If you have any questions, please contact me at the office at 231-943-8088.

Regards,

Mark Bevelhymmer  
Regional Vice President – Northern Michigan

Josh Tracey  
General Manager I

We the undersign officials would like to confirm and accept this proposal as noted above.

X\_\_\_\_\_ X\_\_\_\_\_

Date Accepted\_\_\_\_\_

# CHARLEVOIX COUNTY ROAD COMMISSION

## ENGINEERS ESTIMATE

DATE <b>March 30, 2022</b>	LOCATION <b>Bay Shore Streets - South of U.S.-31</b>
TOWNSHIP <b>HAYES</b>	LENGTH <b>0.42-Miles (2,219-FT)</b>
PREPARED BY <b>James G. Vanek, Staff Engineer</b>	TYPE OF WORK Bituminous Paving and Gravel Shoulders

WORK ITEM	ESTIMATED QUANTITY	UNIT	UNIT PRICE	AMOUNT
Tree Removal, 6-Inch to 19-Inch DIA.	18	EACH	\$ 450.00	\$ 8,100.00
Trenching	22.19	STA	\$ 100.00	\$ 2,219.00
22A Aggregate	1,275	TON	\$ 20.00	\$ 25,500.00
HMA Crush & Shape	6,904	SYD	\$ 1.65	\$ 11,391.60
4E1, Mod. Bituminous Pavement	450	TON	\$ 85.00	\$ 38,250.00
5E1, Mod. Bituminous Pavement	485	TON	\$ 90.00	\$ 43,650.00
Driveway Restoration				
1. Asphalt	7	EACH	\$ 250.00	\$ 1,750.00
2. Concrete	25	SYD	\$ 75.00	\$ 1,875.00
23A Shoulders	235	TON	\$ 28.00	\$ 6,580.00
Restoration	4,931	SYD	\$ 3.50	\$ 17,258.50
Mobilization/Traffic Control	1	LSUM	\$ 15,000.00	\$ 15,000.00
SUBTOTAL				\$ 163,474.10
CONTINGENCIES				\$ 5,000.00
<b>ESTIMATED PROJECT COST</b>				<b>\$ 168,474.10</b>